

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DUNKEL *et al.*

Appl. No.: 10/530,513

§ 371(c) Date: August 22, 2005

For: **Thiazolyl Biphenyl Amides**

Confirmation No.: 9581

Art Unit: 1626

Examiner: Stockton, Laura Lynne

Atty. Docket: 2400.2800001/JMC/L-Z

**First Supplemental Information Disclosure Statement Filing under
37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Copies of documents **NPL1-NPL6** are submitted. However, copies of U.S. patents and patent application publications cited on the attached Form PTO/SB/08A documents **US1 to US12** are not submitted in accordance with 37 C.F.R. § 1.98(a)(2).

In accordance with the Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from the following co-pending U.S. patent applications and patent:

U.S. Patent Application No. 12/097,753, Dunkel *et al.*, filed November 3, 2008, as document **NPL1**;

United States Patent Application No. 12/571,951, Dunkel *et al.*, filed October 1, 2009, as document **NPL2**;

U.S. Patent Application No. 11/661,092, Dunkel *et al.*, filed October 8, 2008, as document **NPL3**; and

United States Patent Application No. 11/661,100, Dunkel *et al.*, filed February 15, 2008, as document **NPL4**; and

United States Patent Application No. 10/502,994, Elbe *et al.*, filed January 31, 2005, issued as U.S. Patent No. 7,388,097, as document **NPL5**.

The identification of these Office Actions is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and patent and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

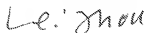
This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. The required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in dark ink, appearing to read "Lei Zhou", is written over the printed name.

Lei Zhou
Attorney for Applicants
Registration No. 48,291

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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